App. F IX-4

Previous References. 193 (ml)

File No. 98-39
Serial Nos. 6

Later References

ml 22-41-43 l55-1
ml 22-42-26 (Vide 22-43-24)

GENERAL AND REVENUE SECRETARIAT.

Serial No. One

Part B for April 40

SUBJECT.

Prevention of erection of buildings within road-margin in MLG

To
The [illegible]
" Pvt. Sig- ML. GI Mysore
" M.G Bangs-
" Gh. Engr

No L8815-26 of 13-4-40

Issued for information.

(Sd)

One
2/15

2 1 5

General and Revenue Secretariat | File No | of 193 | [App F III—2

Serial No

Letter no. 7.41-39/G.A. dt 17.6.1939 from the Secretary forwarding resolution of the Indian Road Congress regarding restriction 'Ribbon development" on roads.

1 Submitted for kind perusal

2 This for paper may perhaps be forwarded to the Chief Engineer's Office for necessary action.

3 Submitted for orders.

TN 21/6

Sd/- 21/6/39

Sd/- P. N. Kirloskar

Sd/-

no 874/23639

W.O. No. 87 of 11.8.39.

Returned with compliments.

4 As observed by the Indian Roads Congress, the ribbon development, that is, the growth of buildings on either side of roads in town or village limits, causes obstruction to traffic and also affords scope to accidents. The Superintending Engineers who were consulted in the matter represent that, inspite of orders passed from time to time for the prevention of buildings on the road margins, instances of encroachment still continu Further action to introduce legislation to restrict this type of development may kindly be taken in the Chief Secretariat.

Sd/- 21/6/39

Law Secretary
For a note on the legal aspect of the case.
Sd/- 1-8-39

Sd/- V. Sambhoji Rao 10.8.39
Chief Engineer of Mysore.

NOTE—Contn Sheet.

WD 0544—GPB—30,000—2-9-38

Chief Secy

TN 14/8

Legislation to be introduced to stop the evils of "Ribbon Development"

File No. of 19

General and [illegible] Secretariat

Serial No

To put an end to the irregular growth of towns, and to prevent the [illegible] of open country, three things are essential:—

1) The regular line of a public street must be fixed,

2) The regular line of buildings also should be fixed; and

3) The local authority must be invested with power to fix either one or both of these lines, and they should see that buildings are not allowed to project beyond the prescribed lines.

b The efficacy of the regular lines of a street and of buildings on both sides of a street, ensures safe traffic and also increases the aesthetic value of a street. But the power to fix any such lines vests in the Govt. The legislature should authorise the authority directly, the delegation to be done by the municipality being done by the powers in the Act.

Sec 109 of the City Municipal Act, and Sec 102 of the Town Municipal Act provides for the fixing up of the Regular line of a Public Street.

Serial No.

But any Municipality which considers
enforcement of Sec. 109 of City Act & Sec 102 of
Town Act:

2 Further, the Acts do not provide for a
Building Line. The Madras City & District Municipal
Acts do not provide for the fixing up of a Building line
along which new permanent Buildings to come up. Where
building act sets, the Building line must be
indicated upon, & set Standards sufficient to
mark Condition. By doing so, not only the authority
shall not be censured, but many may even
prevent the owner from the encroachment
encroaching the existing Block of Buildings & fixing
compensation to the owners for the portion set back.
If the Building line is not fixed, then the owners
may keep up their buildings abutting the regular line
of Street, - & this sort of Complication may give
an occasion for accidents. Hence the
Building line must be indicated upon which by any
one may set, & new Streets

9 In accordance to existing Streets
& for the purpose the regular line of Streets and existing
the City & Town Municipalities should not under
Sec 109 & 103 respectively, fix the existing Block of
the Buildings & under Sec 110 & Sec 104 of City &
Town Acts, & set forward a Building in any

Norm-Contn. Sheet

Serial No

to be put into use regularly by a public street by a Building on or a regular way, & persons driving for regular hire by a public street, shall be bound by to pay for any accidents.

10 Persons under Town & Villages, there is no provision under for giving by cars for regular hire by a public street. Where there is any change by Building company by or all Directors. As per Section 77 & 79 of Motor Vehicles Act to appoint Regional Transport Authority to control & regulate public street, & to appoint him to conduct by-branch of the Building, but it is a serious matter to be done & without notice, such power are required. In the absence of a regular hire by a public street, there is every chance of Building company by or irregularity use. It seems to be fair change Village Panchayat & Village Panchayat Act.

11 Apart from the aforesaid facts, it is clear that legislation is necessary, as far as small Town & Villages are

1854/P

General and Revenue Secretariat | File No | of 19 | [App F III 2

Serial No

Concerned, in order to ensure safe keeping in safe places & for a short period, those documents concerned there is no need for further legislation, but Govt ought to investigate the circumstances in which documents, with the power of seizing under the regular law of Search. It is necessary to amend one section of the Municipalities Act, as it is for the time being to fix up the Building Rules. If this proposal is approved, then the Law, to be made at this point, will be considered in Municipalities, Legislative Branch.

Law Secretary. 3/18/9/39

EGY LAW DEPT 1884 13 SEP 939 ... MORE

12 In England there has been legislation against "Ribbon Development" Please look up that also If existing buildings are to be set back or if owners of sites are required to leave a margin, will they not have to be compensated Please put up a typed note on all the points

G 27/8

13 I have talked to Mr Salisbury on these points Mr Jeffery Cook & Municipalities, & owners, are required to leave a margin of their land, compensation has to be paid Typed copy is put up as required

Law Secretary 3/28/9/39

NOTE-Contn Sheet

File No. of 19

General and Revenue Secretariat.

Serial No

Note regarding Legislation to be undertaken to stop the evils of 'Ribbon Development'.

---

14 In order to stop the irregular growth of houses causing obstruction to traffic, ~~and other~~ a few things are essential:-

(1) The regular line of a public street must be fixed:

(2) The regular line of buildings also should be fixed and

(3) The local authority must be invested with powers to fix either one or both of the lines, and it should see that ~~x~~ buildings are kept within the prescribed limits.

15 The fixing up of the regular lines of a street and the buildings on both sides of a street, ensures safe traffic and also increases the ~~A~~esthetic value of a street. But the power to fix up such lines vests in the Government. The Legislature instead of exercising ~~the~~ this authority directly has delegated ~~to~~ some ~~through~~ of the Municipalities some of its powers in this respect.

16 Section 108 of the City Municipal Act and Section 102 of the Town Municipal Act provides for the fixing up of the regular lines of a public street. But only those Municipalities which are empowered by Government, can exercise the powers under Section 108 of the City Act and Section 102 of the Town Act.

17 Further, our Acts do not provide for a building line. The Madras City and District Municipal Acts do provide for the fixing up of a building line also, which will prevent buildings to crop up irregularly. While laying out sites, the building line must be insisted upon and sites should be sold subject to that condition. ~~By~~ By doing so, not only the aesthetic value of the street will be increased, but

money also will be saved, because there would then be no necessity for ordering the setting back of the buildings and paying compensation to the owners for the portion set back. If the building line is not fixed, then the owners may put up buildings abutting the regular line of streets,—and this sort of construction may give an occasion for accidents. Hence the building line must be insisted upon while laying out new sites and new streets.

18 For encroachments on existing streets and for improving the regular line of streets now existing, the City Town Municipalities could Act under Section 109 and 103 respectively, for the setting back of the buildings, and under Section 110 and Section 104 of the City and Town Acts, to set forward a building, in order to be in line with the regular line of a public street. If the buildings are in a regular order, and at some distance from the regular line of a public street, then there would be no call for any accidents. As regards minor towns and villages, there is no provision made for fixing up even the regular line of a public street. Hence there is every chance of buildings cropping up in all directions. No doubt, Section 77 to 79 of the Minor Municipalities Act do empower the President to remove projections on public streets and do empower him to control the construction of new buildings, but it is common knowledge as to how and in what manner such powers are exercised. In the absence of a regular line for a public street, there is every chance of buildings cropping up in irregular ways. The same has to be said about villages governed by the Village Panchayet Act.

19 Hence from the aforesaid facts, it is clear that legislation is necessary, so far as small towns and villages are concerned, in order to ensure safe traffic in the said places. So far as cities and towns are concerned there is no need for further legislation.

~~municipalities~~
~~some factors~~

legislation, but Government ought to invest all the ^ ~~Municipalities~~ Cities and towns, with the power of fixing up the regular line of streets. It is necessary to amend one of the sections of the Municipalities Act so as to give them power to fix up the building line also. If the proposal is approved, then the law to be made on the point will be considered. ~~Mr~~ Sheshan, Law Clerk Branch 3 18/9/39

20 I have looked up Halsbury on this point ~~re~~. ~~Ribbon Development~~ For the setting back of buildings or if owners are required to leave a margin of their lands compensation has to be paid. 3 28/9/39

Please look up the English Act Ribbon Development Act

21) There is an Act called "The Restriction of Ribbon development Act of 1935" in England. The Act of this type, which the Government may be moved, to incorporate some of the principles laid down therein — or else some of the principles of this Act, may be adopted & framed ~~with~~ as, new sections of the City Municipalities Act. Halsbury Vol 28 & page 422 for the recent reference (Page 79 & 102) 3 31/10/39

(Law Secretary)

22) There are certain provisions in the Municipal Acts & Govt have passed certain orders & circulars in regard to Road margin. A note may be put up by the L S G with reference to existing powers. The question whether any other

Serial No.

powers are necessary to prevent ribbon development may also be considered. The English Act may give an indication. As we have already some powers under Municipal Acts, it may not be necessary to follow the entire English Act

G
7/11/38

23 The file is forwarded to C.D.S & Branch, for further action, as noted by the Law Secretary.

Hals Buy Laws Rules vol 28 Rules Secy Executive
3
7/11/38

Mot Secy 28.3 G/C
3
7/11/38

24) Government have, from time to time, issued the following orders for the prevention of the construction of buildings on road margins:-

1) G.O.No.L.5426-50/Ml.275-27-1 dated 10th March 1928 directing that no new houses shouses should be allowed to be built too near the main roads, that a margin of at least 50 feet is left between the road and the houses and that in regard to existing properties which are dilapidated or insanitary, steps should be taken either to acquire the or to put them back allowing a sufficient margin from the road

✓ 2) G.O.No.L.9907-37/Ml.163-29-7 dated 16th June

Notes-Contin. Sheet.

Serial No

1931 issuing the following instructions re: the road margin to be left between the roads and the houses:-

(a) In the case of newly opened roads, the margin of 50 feet should be measured from the extreme boundary of the land widths of the road and not from the edge of the actual road surface.

(b) In the case of existing roads, a minimum margin of 20 ft. should be kept, the margin being reduced to 10 ft. in special cases.

3. G.O.No.L.22-49/Rl.274-33-3 dated 1-7-37 issuing instructions as regards the procedure to be adopted, within the limits of law, to prevent the construction of buildings on the road margin.

4. G.O.No.1808-27/Rl.98-39-5 dated 18th November 1939 directing that the road margin, in the case of newly opened roads should be fixed at 40 ft. from the extreme boundary of the land width or 75 feet from the centre of the road, whichever is less.

2) The existing provisions in the City, Town & Minor Municipalities Acts and the Village Panchayet Act in this behalf are as follows.-

(i) Section 116 of the City Municipalities Act, 1933 Section 110 of the Town Municipalities Act, 1933 Section 80 of the Minor Municipalities Act, 1933 and Section 29-A of the Village Panchayet Act enable Government to prohibit the erection of buildings within a speci-

Serial No

specified area in a Municipality or Village Panchayet except with the permission of Government or any officer authorised by Government in this behalf In accordance with the above ~~permissioner~~ provisions, Government have issued notifications that in particular places no buildings should be erected without the special permission of the Deputy Commissioner.

(ii) Section 108 of the City Municipalities Act 1933 and Section 102 of the Town Municipalities Act 1933 enable the Municipal Councils to prescribe the regular line of public streets, if empowered by Government in this behalf ——— The Bangalore City Municipal Council and all the Town Municipal Councils in the State have been empowered by Government to exercise this power and they have also been requested to take action in this direction

(iii) Sections 109, 110 & Sections 103 and 104 of the City and Town Municipalities Acts respectively give power to the Municipal Councils for preventing encroachments on existing streets and for improving the regular line of public streets and for setting back or for setting forward buildings in order to be in line with the regular line of public streets

26 The above provisions of the several Acts and the instructions issued by Government from time to time for the guidance of the local officers seem to be sufficient for the prevention of the construction of buildings on the road margins The Chief Engineer however states

NOTE—Contn Sheet

Encroachments on Road Margins

File No. 2693/L of 19 | General and Revenue Secretariat. Bv 6

Serial No.

in spite of the orders of Government issued in this behalf, instances of encroachments still continue and that therefore legislation has to be introduced.

27) It is submitted that, if the local officers are asked to strictly adhere to the instructions issued already, with the direction that cases of encroachments should be dealt with severely, there may not be any necessity for any further legislation in the matter.

Rmr 22/11/39 (Law Secy) 2 23/11/-

3C-14 22 11 39

28) As regards encroachments already made, no action can be taken unless they are on Govt property or Municipal property. To straighten the road margins, acquisition of property thereby may be necessary.

29) If the Municipalities fix road margins and adhere to the provisions of the Act & enforce the rules, such encroachments can be put down

Chief Engineer) 6/12/39.

G O No 593 22-2-40

15/2

Prevention of erection of buildings within road margins etc

General and Revenue Secretariat. | File No 98 of 1939 | [App F III-2

Serial No.

U.O. 666
12 3 40

Returned with compliments.

2. To prevent at least future encroachments, the Municipalities may strictly be instructed not to grant licenses for the erection of fresh buildings within the specified road margins in the Municipal area and to enforce the provisions of the Municipal Act so that the further spread of "Ribbon Development" may be checked.

Chief Engineer.

SECY LAW DEPT. 12 MAR 1940 GOVT OF MYSORE

(Law Secy) 27/3

II Member)

OFFICE OF THE SECOND MEMBER OF COUNCIL

Home Contin. Sheet

File No. of 19

General and Revenue Secretariat.

Serial No.

Ed 16 Gr

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

D. Dis No F 41-39 G & A.

SECRETARIAT 2755 JUN 20 1939 MYSORE TRAFFIC BOARD

FROM

THE SECRETARY to the HON'BLE THE RESIDENT IN MYSORE

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 17th June 1939

CHIEF SECRETARY 19 JUN 1939 GOVT OF MYSORE

INDIAN ROAD CONGRESS.

SIR,

I am directed to say that the Indian Roads Congress adopted the following Resolution at its meeting held at Calcutta on the 17th February 1939 :-

"This Congress in view of the evils of 'Ribbon Development' and existing encroachment on and obstruction of roads and the danger and obstruction to the growing road traffic which they cause and of the heavy cost of restoring an adequate width, free of obstruction, recommend to the Provincial authorities and Indian States that immediate legislation be undertaken to restrict this type of development".

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT

kk.

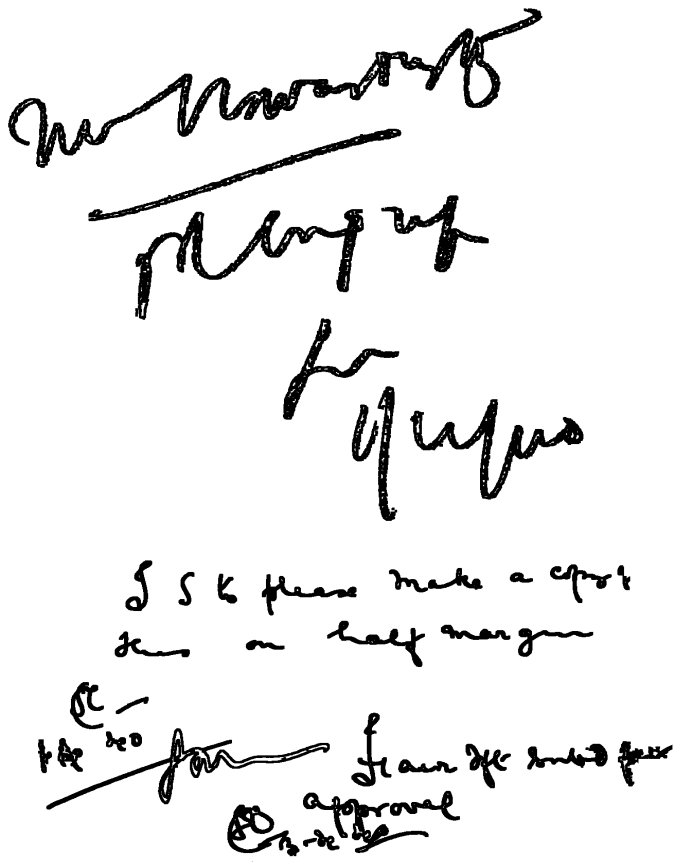
PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read :—

[illegible]

[illegible]

[illegible]



Appendix F G—1]

SUBJECT

Section

File No

Serial No.

No.

To

General and Revenue Secretariat

( )

the 193

ary No of letter replied to..... ....

te of issue

ned by

T.S to please mark here where I is to be in para 2 of the Note

List of enclosures

Copied by

Examined by

the attention of the by Courts of

Civil Courts and

is invited to the marginally noted

for prevention of the construction of buildings on road margins and they are hereby requested to see that two licenses are granted for the erection of fresh buildings within the road margins specified under the aforesaid orders in the Municipal areas and that the provisions of the Municipalities Acts are strictly enforced, in

"Ribbon development"

L 8805-26 R 18½

M 98-39-6

Official Memorandum.

The attention of the Deputy Commissioners of Districts, the President, Mysore City Municipality and the Municipal Commissioner, Bangalore City, is invited to the marginally noted Standing Orders of Government issued for the prevention of the construction of buildings on road margins and they are hereby requested to see that no licenses are granted for the erection of fresh buildings within the road margins specified under the aforesaid orders in the Municipal areas and that the provisions of the Municipalities Acts in this behalf are strictly enforced.

By order,

Secretary to Government,
Law Department.

To

The Deputy Commissioners of Districts,

The President, City Municipal Council, Mysore,

The Municipal Commissioner, Bangalore Ci through the President, C.M.C.,

The Chief Engineer of Mysore.

(1) O.M. No. L. 5426-50/M1. 275-27-1 dated 10th March 1928 directing that no new houses should be allowed to be built too near the main roads, that a margin of at least 50 feet is left between the road and the houses and that in regard to existing properties which are dilapidated or insanitary, steps should be taken either to acquire them or to put them back allowing a sufficient margin from the road

(2) Government Order No. L. 9907-37/M1. 163-29-7 dated the 16th June 1931 issuing the following instructions re- the road margin to be left between the roads and the houses -

(a) In the case of newly opened roads, the margin of 50 feet should be measured from the extreme boundary of the land widths of the road and not from the edge of the actual road surface.

(b) In the case of existing roads, a minimum margin of 20 feet should be kept, the margin being reduced to 10 feet in special cases.

(3) Government Order No. L. 22-49/M1. 274-33-3 dated 1-7-37 issuing instructions as regards the procedure to be adopted, within the limits of law, to prevent the constructions of buildings on the road margin.

(4) Government Order No. 4808-27/M1. 98-39-5 dated the 18th November 1939 directing that the road margin, in the case of newly opened roads, should be fixed at 40 feet from the extreme boundary of the land width or 75 feet from the centre of the road, whichever is less.

S. O.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL AND REVENUE DEPARTMENTS

O M No L 8815 26—Ml 98-39 6, dated 13th April 1940

Prevention of erection of buildings within the road margins in Municipalities

Issues further instructions for the ——

OFFICIAL MEMORANDUM

No L 8815 26—Ml 98 39 6 DATED BANGALORE, THE 13TH APRIL 1940

The attention of the Deputy Commissioners of Districts the President Mysore City Municipality and the Municipal Commissioner Bangalore City is invited to the following Standing Orders of Government issued for the prevention of the construction of buildings on road margins and they are hereby requested to see that no licenses are granted for the erection of fresh buildings within the road margins specified under the aforesaid orders in the Municipal areas and that the provisions of the Municipalities Acts in this behalf are strictly enforced —

1 Official Memorandum No L 3426 30—Ml 27 5 27 1 dated 10th March 1928 directing that no new houses should be allowed to be built too near the main roads that a margin of at least 50 feet is left between the road and the houses and that in regard to existing properties which are dilapidated or insanitary steps should be taken either to acquire them or to put them back allowing a sufficient margin from the road

2 Government Order No L 9907 37—Ml 163 29 7 dated the 16th June 1931 issuing the following instructions re the road margin to be left between the roads and the houses —

(*a*) In the case of newly opened roads the margin of 50 feet should be measured from the extreme boundary of the land widths of the road and not from the edge of the actual road surface

(*b*) In the case of existing roads a minimum margin of 20 feet should be kept the margin being reduced to 10 feet in special cases

3 Government Order No L 22 49 1—Ml 274 33 3 dated 1 t July 1937 issuing instructions as regards the procedure to be adopted within the limits of law to prevent the construction of buildings on the road margin

4 Government Order No F 4808 27—Ml 98 39 5 dated the 15th November 1939 directing that the road margin in the case of newly opened roads should be fixed at 40 feet from the extreme boundary of the land width or 75 feet from the centre of the road whichever is less

By Order,
H V NARAYANA RAO,
Secretary to Government,
Law Department

To—The Deputy Commissioners of Districts
The President City Municipal Council Mysore
The Municipal Commissioner Bangalore City through the President City Municipal Council Bangalore
The Chief Engineer of Mysore

Exd —B G S

WD 3655—GPB—420—6 5 40